

ANNUAL REPORT TO THE CASCADE COUNTY PLANNING BOARD



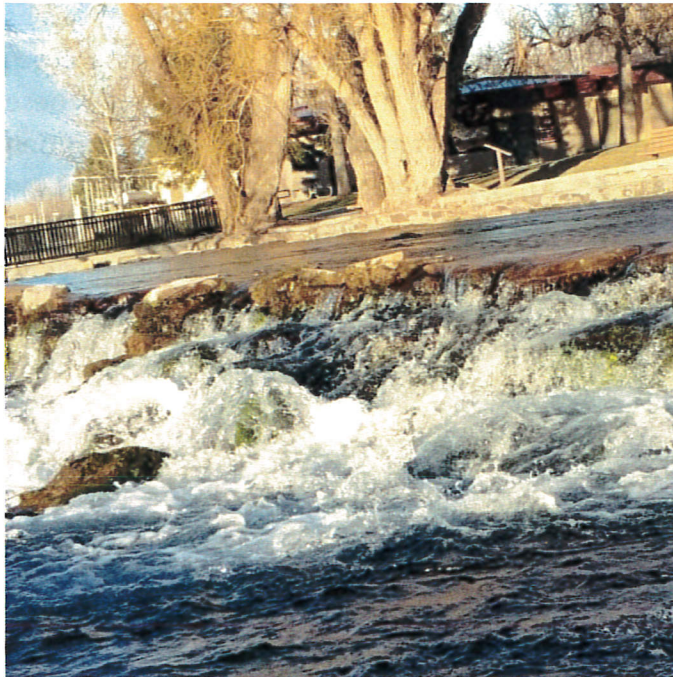
US Highway 89 Between Belt and Great Falls

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BACKGROUND

The by-laws adopted by the Cascade County Planning Board state that, “The regular meeting held on the third Thursday (amended to Tuesday) in January shall be known as the Annual Meeting and shall be for the purpose of electing officers, receiving annual reports of officers, staff, committees, and for such business that may arise” (Article VI; Section 1(C)). This report is prepared in response to that requirement.



On October 10, 1973, the Board of Cascade County Commissioners passed a Resolution of Intention to create a County Planning Board. Following a public hearing and receiving no protests, the resolution forming the Cascade County Planning Board was passed November 19, 1973. On January 22, 1974, the Cascade County Planning Board held their first meeting. The board has continued to meet regularly since that time.

The Cascade County Development Plan (Comprehensive Plan - Master Plan - Growth Policy) was adopted by the Cascade County Commission in 1979, amended in 1982, 1998 and 2006. In

2014, the commissioners adopted an updated growth policy which had been significantly rewritten. Population trends, economic conditions, and local services showed a positive trend for growth in Cascade County. Two new sections were added under Conditional Development Areas called the Military Height Zones Conditional Development Areas and the Military Runway Accident Potential Zones. Details about developing in these areas are covered in the Cascade County Zoning Regulations.

In 2003, the State of Montana Legislature amended the laws regarding development plans. Through the passing of Senate Bill 326, all governing bodies that have a current development plan may revise it following the procedures in Chapter 1, Title 76, Part 6, of the Montana Code Annotated (MCA).

The growth policy is a guide to address the community needs and direction that the county commissioners want to implement and protect. Generally, these plans are updated every five years. In 2019 the Planning Board reviewed the Growth Policy per statutory requirements and ultimately decided to leave the document unchanged.

The Cascade County Planning Division and Geographic Information Systems (GIS) Divisions functioned under the purview of the Public Works Department from 2010 to 2019. In June-July of 2019, they were separated from the Public Works Department as new Departments under the direct purview of the Commissioner's Office.

CERTIFICATES OF SURVEY

Of our many customer services, one of the less noticeable responsibilities of the Cascade County Planning Department is the review of Certificates of Survey and Plats. Under the provisions outlined in Title 76, Chapter 3, Montana Code Annotated, certain divisions of land are not subdivisions, but are subject to the Subdivision and Platting Act's surveying requirements. These typically include, lot aggregations, boundary line adjustments, family conveyances, the creation of tracts to be used for agricultural purposes, etc. A review meeting is held for each of the proposed certificates of survey with members from the City-County Health Department, the Clerk & Recorder's Office, and the Planning Department Staff as well as the Attorney's Office and City of Great Falls' planning staff when available. Time is spent reviewing the exempted certificates of survey and guiding the surveyors on the appropriate submittal prior to the Clerk and Recorder's Office filing the surveys.

In 2019, there were forty-seven (47) certificates of surveys filed. Four (4) were in the City of Great Falls and the other forty-three (43) were in the county. Certificates were filed at the Clerk and Recorder's Office after being reviewed by our COS review group.

Category	Number of Surveys Filed in County
Boundary Line Adjustment (76-3-207(1)(a,d,e))	19
Court Ordered (76-3-201(1)(a))	1
Divided by County Road	2
Create Public Utility Site	0
Agricultural Exemption (76-3-201(1)(b))	2
Family Conveyance (76-3-207(1)(b))	9
Correction of Errors	0
Easement Creation	1
Mortgage	0
Parcels over 20 acres	2
Cemetery	1
Retracement of Existing Parcel	8
Aggregation of Lots (76-3-207(1)(f))	2
Total COS Filed in 2019	47
City of Great Falls	4
Cascade County	43

PLAT ROOM

Fifty (50) plats were cataloged and recorded in our files by our Mapping Technician, Greg Avent, for both the city and county jurisdiction. Of the nineteen (19) plats filed in the county, there were three (3) boundary line adjustments, eight (8) aggregation of lots, five (5) minor subdivisions, two (2) major subdivision plats, and one (1) to remove an Agricultural Covenant. These represent all the activity within the County of Cascade, including the incorporated areas outside of Great Falls. The City of Great Falls filed thirty-one (31) plats in 2019. They consisted of three (3) minor subdivisions, one (1) major subdivision, eighteen (18) aggregations, four (4) boundary line adjustments, two (2) vacation of streets or alleys, two (2) utility sites, and one (1) to remove an Agricultural Covenant. The plat room material has been helpful to people of many walks of life, including: landowners, potential land buyers, realtors, title companies, surveyors, consultants, researchers.

Not only are there maps but there are also old records of right of ways, aerial photos over time, and corner recordation for locations of surveyor pins. With our resources on hand, we are able to reproduce in a large format many of these items when required.

PLATS FILED IN 2019

Category	Number of Plats Filed in County
Aggregate Lots (76-3-207(1)(f))	26
Utility Sites	2
Relocation of Common Boundary Lines (76-3-207(1)(a,d,e))	7
Remove Ag. Covenant	2
Major Subdivision	3
Minor Subdivision	8
Discontinuation of Street or Alley	2
Plats Filed in 2019	50
Cascade County	19
City of Great Falls	31

SUBDIVISION ACTIVITY

Subdivision activity can often go unnoticed in the actual amount of time and preparation that is spent by staff on proposals that never come to fruition. A pre-application meeting is held for each of the proposed subdivisions with the developer, surveyor, engineer, sanitarians representing the City-County Health Department, and county planners. Time is spent reviewing the proposed projects and providing developers with information pertinent to their plans. The following numbers do not begin to reflect those meetings since many do not go forward with their project.

Minor subdivisions (creating five lots or fewer) and major subdivisions (creating six lots or more) are reviewed by staff. After review, staff presents the proposed subdivision to the Planning Board with their recommendations forwarded to the Cascade County Commissioners for preliminary approval action. Once the commissioners have approved the preliminary plat, the developer must satisfy the conditions set forth by the commissioners. When the developer has completed the required conditions, the subdivision is reviewed and given final approval.

Year	# of Minor	# of Major	Total Lots
2002	4	0	30
2003	4	4	138
2004	8	6	94
2005	21	3	98
2006	11	10	136
2007	15	14	275
2008	6	9	174
2009	4	5	63
2010	6	2	39
2011	10	2	84
2012	6	2	60
2013	2	3	49
2014	5	0	12
2015	3	0	10
2016	3	1	32
2017	5	1	23
2018	3	2	51
2019	8	3	

With these subdivision regulations, a much more thorough review for each application is necessary than in years past. This review requires more staff time and research to make sure that the process and application is comprehensive. It necessitates additional requirements on the developer as well, which generates further questions for staff. Three minor subdivisions were approved this year and filed, as well as two major subdivisions.

COMMUNITY DECAY, LITTER, & JUNK VEHICLES ORDINANCES

In September of 1985, the Cascade County Commissioners adopted a County Community Decay Ordinance. The program that developed around the ordinance is one that works to maintain standards of appearance, and removal of blight and decay in the county. The county commissioners originally placed the program in the City-County Health Department Solid Waste Division.

In 2007, the Solid Waste Division was transferred under the oversight of the former Road Department. In August of 2008, the Solid Waste Division was privatized and the Community Decay Ordinance and a newly created Littering Ordinance (including Junk Vehicles) were put under the Planning Department for inspection and compliance.

Sandor Hopkins is the current Community Decay Program Director for the Community Decay/Litter Ordinances and Junk Vehicle Program. Sandor's authority is limited to processing complaints received from community members and filing annual reports to the Department of Environmental Quality's Motor Vehicle Recycling and Disposal Division.

In 2014, there were some changes in the process that were implemented to the Junk Vehicle Program. That year, Cascade County abandoned the "graveyard" site for junk vehicles and implemented a "direct haul" contract. The graveyard was cleaned and cleared of contaminated soil. The direct haul contract is a way to eliminate the graveyards or junk vehicle holding facilities. When a release of ownership in a motor vehicle form is received by the Junk Vehicle Program Director and verified that it is a junk vehicle, the program director will contact the contracted hauler (S&C Auto) and have the junk vehicle immediately hauled to the Motor Vehicle Wrecking Facility (currently Pacific Steel and Recycling) dictated by the State Junk Vehicle Program.

In 2019 there were sixty-four (64) inspections to verify neighbors' concerns regarding junk vehicles and community decay issues. Of those, thirty-nine (39) were determined to be in compliance or cleaned up after receiving a warning letter. Staff has issued forty-three (43) letters of warning and served five (5) notices of violation. One was cited for a violation and is pending trial.

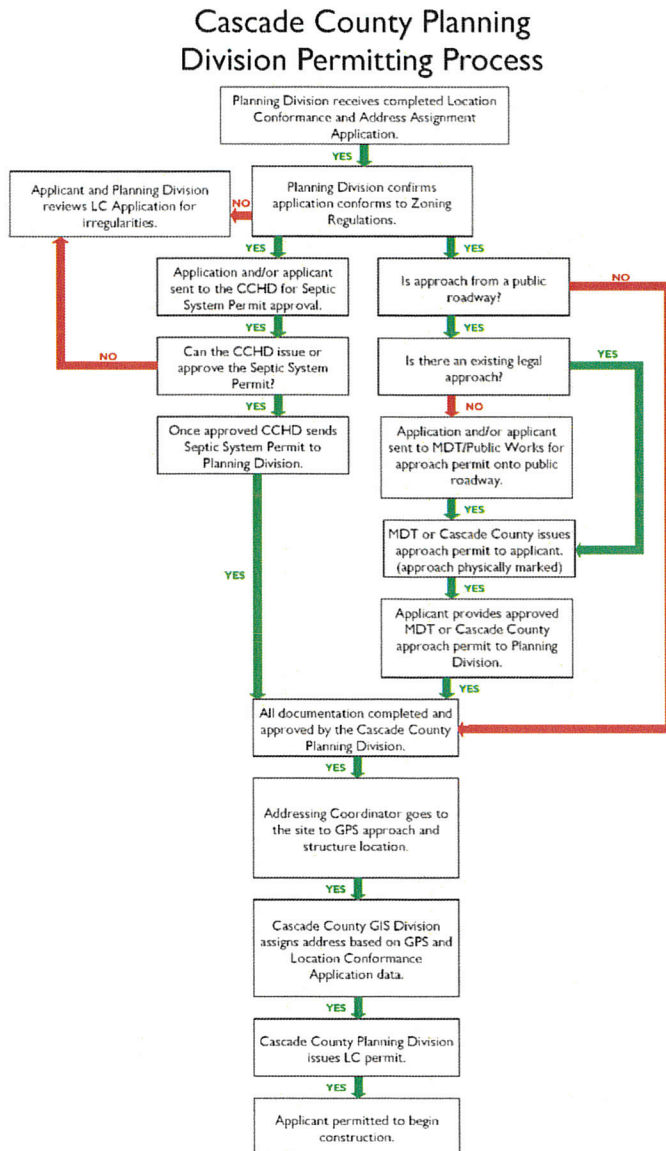
2019 Community Decay Compliance	
1 st Warning Letter Sent	43
Notice of Violation Served	5
Citations	1
Trial	0

We

YEAR	COMPLAINTS FIELD INSPECTED	WARNING LETTERS (1 st Notice)	NOTICE OF VIOLATION	INITIAL LETTER COMPLIANCE	VERIFIED COMPLIANCE
2010		37	6		31
2011	120	51	14	40	37
2012	150	19	6	15	15
2013	135	17	18	17	17
2014	128	9	8	29	20
2015	90	40	9	31	29
2016	84	39	5	33	35
2017	82	43	15	41	29
2018	91	65	10	55	39
2019	64	43	5	38	39

have seen the number of junk vehicles turned over to the Junk Vehicle Program continue to decrease over the last couple of years. As long as the vehicles are being removed, it will continue to benefit the community. In FY 2019, there were two (2) junk vehicles turned over to the county that were hauled directly to Pacific Steel and Recycling for disposal.

COUNTY ZONING



The County Planning Department regulates all zoning activity in the county exclusive of the incorporated communities of Belt, Cascade, Great Falls, and Neihart. The zoning regulations use a hybrid of the former zoning regulations along with a permitting system to verify that new projects meet the appropriate land use and development standards. The zoning jurisdictional area was created by the Cascade County Commission on April 26, 2005, by Resolution #05-018. The zoning regulations were rewritten or amended in 2007, 2009, 2012, twice in 2016, 2017, and 2018, in an effort to reduce some ambiguity on definitions, zoning processes, and introduce new permits or uses.

Fees remained the same in 2018. The fees have not been changed since 2007 when some of the zoning application fees were revised to reflect the actual costs of staff processing times and legal notices. These

changes were adopted by the County Commissioners on October 23, 2007, after much discussion with the public, staff and the planning board.

In 2009, staff undertook re-writing and updating the zoning regulations. Many work sessions were conducted as well as a survey with the owners of those properties that would be affected by a change within the unincorporated towns to a Multi/Mixed Use Zone. The new zoning regulations were adopted by Resolution 09-82 on August 25, 2009, allowing those communities to support a local business in their town's hub center by right rather than requesting a special

use permit. Allowing a second (2nd) residence per lot has been allowed in some zone districts where they can meet health department requirements as well as setbacks in their zone district.

In 2012, staff refined the zoning regulations and submitted those changes to the Planning Board for review. On December 18, 2012, County Commissioners approved the zoning regulations. These changes combined the Flood Road Zoning Regulations within the county regulations rather than a separate document and adding the Military Overlay District which places height limitations for building construction over 50, 150, and 500 feet tall in certain areas. A variance may be necessary if there are conflicts over height restrictions within the Military Overlay District.

County staff works to improve communication between various departments. Our intention is to ensure that the Health Department does not issue septic tank permits without discussing possible issues with planning staff and likewise planning does not issue Location/Conformance Permits without discussing it with the Health Department. To facilitate this communication staff has created a Planning Department permitting process flowchart to keep development on track.



In 2016, the Cascade County Zoning Regulations were rewritten by staff with corrections to formatting, making sure that the Montana Codes Annotated and the Administrative Rules of Montana were correct along with other sections of the Zoning Regulations. A new type of Special Use Permit was added, the Unclassified Use Permit. The Unclassified Use Permit Section was added to the regulations to allow uses possessing characteristics of such unique and special forms that each use shall be considered as an individual case regardless of their underlying zone district. The new regulations were adopted by the Cascade County Commission on June 14, 2016. The first UUP Applications were for proposed solar power plants on five (5) separate parcels in 2016.

In 2017, zoning regulations were revised to match changes in state laws regarding medical marijuana and definitions added to clarify language. Uses were added to the uses permitted with a Special Use Permit in an Agricultural district. Additionally, in 2019, our office processed two (2) re-zoning applications, up from one (1) in 2018. The two map amendments were to change the zoning designation of property, one from Agricultural to Rural Residential 5, and the other was a floodprone area from Suburban Residential 2 to Open Space as part of the Subdivision review process.

Location/Conformance (L/C) Permits are issued for structures prior to construction on parcels throughout the county. These permits are issued once the location of all structures and the

conformance of the structures with the Cascade County Zoning Regulations have been met. In 2019, one hundred and eighty-four (184) of these permits were issued by staff, down from last year's number of one hundred ninety-four (194). When permits are not obtained prior to construction, violation notices are sent out. Several violations were remedied with the assistance of the Cascade County Attorney's Office.

Category	Number of Applications Received	Number of Permits Approved	Permit applications awaiting approval, additional information, or withdrawn	Number of Permits Denied
L/C Permits	217	184	28	1
Firework Permits	28	28	0	0
Special Use Permits	18	15	3	0
Floodplain Permits	8	7	1	0
Road Abandonment	4	3	1	0
Unclassified Use Permit	0	0	0	0

Special Use Permits are processed by our office. A new permit was introduced in the 2016 Zoning Regulation Re-write titled "Unclassified Use Permit". Unclassified Use Permits require extra analysis by the staff as the use may be contentious. The permit process also requires a public hearing to be held.

Special Use Permit and Unclassified Use Permit public hearings are held before the Zoning Board of Adjustment (ZBOA). The ZBOA conducts a public hearing to hear the staff report which presents the application material; listen to the applicant's proposal; listen to proponents and opponents of the proposal; and then approve the application, deny the application, or approve the application with conditions. This year, staff received eighteen (18) Special Use Permit applications.

Fireworks Permits for selling fireworks in the county during the 4th of July and year end celebrations in December are also reviewed and issued by the Planning Department. These require a County Fireworks Permit as well as a Location/Conformance Permit. Staff inspect each firework stand prior to allowing them to open. In 2019, twenty-eight (28) permits were issued for the sale of fireworks, up from twenty-six (26) in 2018.

ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment (ZBOA) is a five member board that makes decisions on Special Use Permits, Unclassified Use Permits, Variances, and Appeals of the Zoning Administrator's decisions. A public hearing is scheduled when an application is received, deemed complete by Planning staff, and all notifications have been completed. The members are appointed by the County Commissioners.

There were three (3) variance requests in addition to the Special Use Permits.

The Zoning Board of Adjustment (ZBOA) had two positions that expired at the end of December, 2019. The commissioners reappointed two members.

The 2019 Zoning Board of Adjustment members are:

1. Charles Kuether, term to expire 12/31/21;
2. Michele Levine, term to expire 12/31/21;
3. Bill Austin, term to expire 12/31/20;
4. Leonard Reed, term to expire 12/31/20;
5. Rob Skawinski, term to expire 12/31/20.

PLANNING BOARD

The Cascade County Planning Board serves in an advisory capacity to presently established boards and officials. Planning Board members are appointed by the county commissioners for a two-year term. County policy generally limits board members to three consecutive two-year terms. Richard Liebert, Rob Skawinski, and Ken Thornton will have their terms expire 12/31/20.

The 2019 Planning Board members are:

1. Elliot Merja, indefinite;
2. Dexter Busby, term to expire 12/31/2021;
3. Dan Johnstone, term to expire 12/31/2021;
4. Bruce Moore, term to expire in 12/31/2021;
5. Ken Thornton, term to expire 12/31/2020;
6. Richard Liebert, term to expire 12/31/2020;
7. Rob Skawinski, term to expire 12/31/2020



Photovoltaic solar panels in Cascade County off of Black Eagle Road.

FLOODPLAIN REGULATIONS

On February 15, 1980, the Cascade County Planning Staff began to administer floodplain regulations within its jurisdictional area. In January of 1984, the Planning Director was designated Floodplain Administrator for all of the unincorporated areas of Cascade County. Changes in federal and state laws required that local floodplain regulations be amended in 1991 and March 12, 2013. The regulations, which took effect in 2013, increased the Floodplain Permit fees from \$100.00 to \$250.00 due to the increased workload caused by the amendments.

In 1991, Cascade County was one of only a few Montana communities that was accepted into the Federal Emergency Management Agency's (FEMA) Community Rating System (CRS) program. As a result, Cascade County citizens required to purchase flood insurance receive a 10% reduction in those insurance rates. The CRS Program requires renewal annually. As part of our participation in the program, staff continues to provide assistance on floodplain matters to the general public, real estate agents, appraisers, insurance agents, and lending institutions.



In 2013, work was completed with FEMA to update digital Flood Insurance Rate Maps (d-FIRM) which allows staff and public to obtain the maps digitally for overlaying upon existing parcels. The county participated in co-hosting a meeting at the City of Great Falls with an open house for the public to answer their various questions as well as host several speakers from the state and FEMA.

New floodplain regulations were adopted by the county on February 15, 2002 and again with Resolution 13-19 on March 19th, 2013. They were rewritten because of new digital FIRM (d-firms) maps produced by FEMA. Cascade County officially adopted the d-firms on March 19, 2013.

We have been using a GIS program with zoning and flood layers which has simplified our work efforts when determining zoning and floodplain status. Tom Mital, the GIS Department Mapping Technician, combined the zoning maps with flood zone overlay maps which has helped make our work much more accurate. He also helped with the CRS site visit as he was able to map open spaces and low density zoned areas within the county.

FEMA has also begun offering the 100-year floodplain maps to the public with a KML file that opens within the computer application Google Earth. Now anyone with access to a computer can download the files from FEMA's website and see which parcels the floodplain covers throughout the USA. Staff has installed these layers on Google Earth and use them in combination with the paper maps we have laminated in our filing system.

2018 was an active year as far as flooding in our area. The emergency operations center (EOC) was activated in anticipation of flooding events along the Sun, Missouri, and Dearborn rivers as a result of runoff from near record levels of snowpack in the mountains.

2019 was less severe than 2018 but also experienced flooding due to rapid snowmelt in the mountains caused by the harsh winter temperatures and snowfall. The areas that experienced the flooding were the



Sun River and the Gibson Flats (Gibson Flats Floodplain) area.

The previous flooding event in 2011 saw the Sun River, the Missouri, Belt Creek, and the Sand Coulee in particular cause havoc in their respective areas. Areas in and around Great Falls, Belt, and Sun River were especially hit hard. In a matter of days, the floods were very wide spread because of the flat topography. Many people scrambled to get insurance to only find there was a waiting period of 30 days before they were insured! Our staff was part of those in the community documenting the extent of the flooding. In our office, we have more than one

hundred photos of the damage and extent of the flooding. Hundreds of miles were traveled accessing and documenting the damage by the flooding event.

Both of our planners, Sandor and Anna, hold their Certified Floodplain Manager (CFM) credentials. Having planners with CFM certification allows the planning office to provide a greater level of support when navigating floodplain permitting and regulations. The value of learning about flood issues throughout the United States is hard to place a price on. The lessons of Hurricanes Katrina, Sandy, Harvey, and other areas affected by flooding, show the value of the floodplain permitting process.

Our levee systems protect several areas that fall within the jurisdiction of the City of Great Falls, Cascade County, and the levee districts such as Vaughn and Sun River. In the past, the Army Corps of Engineers would re-certify and stand behind the integrity of the levees and certify that they have met and continue to meet current standards for certification. A meeting was held in Glasgow, Montana, in 2015, to discuss the status of levees throughout the state. FEMA and the Army Corps of Engineers had representatives at the meeting to discuss re-certification of the levees and answer questions. It was a great opportunity to learn firsthand the status of levees in



Montana and how to recertify the levees for the interest of our community members.

We continue to see the community members apply for Floodplain Permits. In 2018, the County received eight (8) floodplain permit applications, seven (7) were approved, zero (0) were denied, and one (1) are on hold until the applicant provides additional information or have been withdrawn. Inspections are done before and after for confirmation of compliance to their Floodplain Permits. Our office is able to assist property owners, realtors,

lenders, and insurance agents with their flooding issues, such as providing Base Flood Elevations, and if flood insurance would be required.

Every five (5) years the County's participation in the National Flood Insurance Program's Community Rating System (CRS) is evaluated and rated based upon activities completed by the county. Between 2016 and 2017, Planning staff worked closely with the State of Montana's Department of Natural Resources' Floodplain Management Program and FEMA's Region VIII offices to ensure the county retained its current rating of an 8 in the CRS program, this rating was recertified in 2019.

STAFF DUTIES

Sandor Hopkins joined the Planning Department September 2017. He is a graduate of CMR High School and Montana State University – Bozeman, with a BA in Political Science, and came to work for Cascade County after spending his first few years after graduation in the business world. He is currently the Interim Director for the Department. In his free time, Sandor enjoys camping, hiking, skiing, and travelling across our great state.

Anna Ehnes was hired with Cascade County on December 11th, 2017. Anna was born and raised in Great Falls, until she went to Missoula to attend the University of Montana. There, she studied Psychology as well as Forensics, receiving her bachelor's degree in May of 2017. In June 2017 she also received her Property/Casualty and Life/Health insurance licenses through the State of Montana.

Greg Avent has been with the county since October of 1998. He provides the Planning Department with technical assistance in the areas of cartography, surveying, road construction inspection and approval, floodplain management, computer expertise, and in providing exhibits for staff reports and oral presentations. Greg also assists with the issuance of Location Conformance Permits. His past experience with Montana Department of Transportation has been an asset with his understanding of the road maps, recordation of easements, etc. Greg attended a national floodplain school in Maryland during September of 2003. Greg has scanned thousands of documents in our office including certificates of survey and plats. New documents are scanned as they come in. This is very useful to realtors, surveyors, title companies, and attorneys who would rather receive the information electronically than come in for a paper copy. He is much appreciated by both staff and the community that he helps.

FY 19-20 BUDGET

The Cascade County Planning Department was provided with an overall operating budget of \$334,200 for FY 2019-2020. It is anticipated that actual expenses will come in under-budget as various positions remain unfilled. Planning staff will be busy in 2020 reviewing and updating regulations, processing permits, answering general inquiries regarding zoning and land use, and providing maps and other services.



CONCLUSION

The Planning Staff continues to provide planning and land use expertise to the Cascade County Commission and the citizens of Cascade County with the Planning Board providing recommendations to the Commission. The Planning Office receives inquiries daily from prospective buyers, current owners, and future developers of property in Cascade County. These requests often include information on land use regulations, land access, floodplain management, and building code information from this office. Outside of answering their questions, we often refer them to other county, state, and federal agencies that may be of assistance.

When a customer needs copies of county maps, subdivision plats, and certificates of survey, our office can help fulfill their requests. Many attorneys, realtors, and title companies also request information regarding land use and surveying regulations so they can provide correct information to their clients. Staff is also requested to provide information and county regulations to citizens involved in a dispute with a neighbor and may even act as an arbitrator in such disputes.

The overall trend for new subdivision and new permitting across the county is on the rise, and figures released by the U.S. Bureau of Economic Analysis showed the County's GDP grow 7.4 percent in 2018, the second-largest in Montana. With an eye to the future, the Planning Department continues to coordinate regularly with the Cascade Conservation District, the City of Great Falls, Malmstrom AFB, and various federal, state, and local agencies on land-use issues in the County. The Planning Department will continue efforts to enhance coordination with other county divisions and departments, and engage in outreach and interaction with the public to assist land owners and residents with land use inquiries of all kinds.

We look forward to another great year with our excellent boards and staff.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Hopkins', with a long horizontal flourish extending to the right.

Sandor R. Hopkins

Interim Planning Director

